

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



MAR 12 2008

MEMORANDUM FOR KEVIN G. STRICKLIN
Administrator for Coal
Mine Safety and Health

FROM:

GEORGE M. FESAK *George M. Fesak*
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Chairman, MSHA Fatality Review Committee

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Member, MSHA Fatality Review Committee

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Member, MSHA Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Deceased: [REDACTED]

Case No.: C-2007-47

Date of Incident: October 3, 2007

Date of Death: October 3, 2007

Operator: Thunder Basin Coal
Company, LLC.

Mine: Thunder Basin Mine

Contractor: Express Shuttle

Decision: Not Chargeable

In a unanimous decision, the MSHA Fatality Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. The deceased, a 69-year old contract shuttle driver, was found in his vehicle parked next to

the rail tracks at the plant area. MSHA's tests for carbon monoxide in the deceased's vehicle were negative. He had been transporting miners to the workplace and performed no unusual duties during the shift. The Coroner's report indicated that the cause of death was "Acute myocardial infarction" and "Cardiovascular disease." Based on the Coroner's report and the results of MSHA's tests for carbon monoxide, the committee members concluded that [REDACTED] died of natural causes and his death should not be charged to the mining industry.

cc: Richard E. Stickler
John Pallasch
Robert M. Friend